

Lior Katz | CA Bar No. 284559
Katz Law, A Professional Corporation
5850 Canoga Avenue, Suite 400
Woodland Hills, CA 91367
Tel: (310) 444-9444 | Fax: (310) 382-2110
Email: lior@katzlaw.com

Attorneys for Creditor
MOOREFIELD CONSTRUCTION, INC.

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

STEPHEN M PANTALEMON,

Debtor.

Bk. No.: 8:23-bk-11752-MH

Chapter 13

**SECOND STIPULATION TO EXTEND
DEADLINE FOR CREDITOR TO FILE
AN ACTION UNDER 11 U.S.C. SECTION
523**

Honorable Mark D. Houle

Creditor MOOREFIELD CONSTRUCTION, INC. (“Creditor” herein), and Debtor STEPHEN M PANTALEMON (“Debtor”), by and through their respective attorneys of record, hereby enter into this stipulation (“Stipulation”) based on the following recitals of fact:

Recitals

1. Creditor filed a lawsuit against the Debtor in Orange County Superior Court, Case No. 30-2022-01259274-CU-FR-CJC, entitled *Moorefield Construction, Inc. v. Steve Pantalemon dba Custom Wine Cellar* (“Lawsuit”). The Lawsuit is currently pending. The Lawsuit contains

claims for Intentional Misrepresentation and Violation of Contractor's State Law, which Creditor believes amount to deeming the debt non-dischargeable.

2. On August 29, 2023, Debtor filed the instant bankruptcy. The 341(a) Meeting was held on October 3, 2023. The original deadline for bringing actions pursuant to Bankruptcy Code section 523, determining that particular debts are non-dischargeable, is December 1, 2023.

3. Debtor and Creditor would like to resume their Lawsuit in State Court to resolution, and prefer to liquidate Creditor's claim in State Court. Creditor intends to seek relief from the automatic stay so that Creditor can resume his Lawsuit in State Court. This Stipulation does not affect Debtor's ability to object to Creditor's Proof of Claim, or Creditor's ability to object to Debtor's confirmation of the Plan.

4. Once the State Court enters Judgment in the Lawsuit, and if the Judgment is entered in favor of the Creditor, Creditor intends to file an Adversary Proceeding to deem the debt non-dischargeable pursuant to 11 U.S.C. 523.

5. In an effort to avoid a concurrent litigation of the Lawsuit in State Court and the Adversary Proceeding in the instant Court, the Debtor and Creditor seek a continuance of the deadline to file actions pursuant to Bankruptcy Code section 523 by way of this Stipulation to allow for resolution of Creditor's claims in State Court.

6. Debtor and Creditor previously entered into a Stipulation that extended the deadline to file non-discharge ability actions to June 1, 2024. That Stipulation was approved by an Order entered on November 22, 2023 (docket entry #33). The Parties are entering this second stipulation to extend the deadline of June 1, 2024, as the State Court has scheduled the MSC to June 7, 2024 and the trial is scheduled for July 1, 2024.

7. To avoid the Creditor having to file a motion to extend such deadlines pursuant to Fed. R. Bank. Pro. 4007(c), the parties have agreed to enter into this Stipulation.

Stipulation

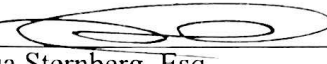
A. The foregoing recitals are incorporated herein by this reference.

B. The parties agree that the deadline for commencing an action pursuant to Bankruptcy Code section 523 is further extended for Creditor to October 1, 2024.

C. This Stipulation is subject to and effective upon the entry of an Order to extend said deadline and the parties request the entry of an order approving this Stipulation.


Dated: May 28, 2024

STERNBERG LAW GROUP

By: 
Joshua Sternberg, Esq.
Attorney for Debtor

Dated: May 28, 2024

KATZ LAW, APC

By: 
Lior Katz, Attorneys for Creditor
Moorefield Construction, Inc.